

AMENDED IN SENATE JUNE 28, 2007

AMENDED IN SENATE JUNE 19, 2007

AMENDED IN ASSEMBLY APRIL 23, 2007

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1684

Introduced by Assembly Member Emmerson

February 23, 2007

An act to amend Sections 26202.6, 26206.8, 34090.6, 34090.8, 53160, and 53162 of, and to add Sections 26206.9, 34090.9, and 53163 to, the Government Code, relating to local government records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1684, as amended, Emmerson. Local government records: recordings.

Existing law authorizes the head of a department of a county, a city or city and county, and a special district to destroy, after one year, recordings of routine video monitoring, unless the recordings are evidence in any claim filed or pending litigation, in which case the recordings shall be retained until the matter is resolved. Existing law provides that, for this purpose, routine video monitoring means videotaping by a video or electronic imaging system designed to record regular and ongoing operations of the entity of local government, including mobile in-car video systems, jail observation and monitoring systems, and building security taping systems. Existing law also requires a transit agency operated by a county, a city or city and county, or a special district, when installing new security systems, to purchase and

install equipment capable of storing recorded data for at least one year, unless the transit agency, after diligent efforts, determines that the technology to store recorded data in an economically and technologically feasible manner for one year is not available and the agency has instead purchased and installed the best available technology. With respect to videotapes or recordings made by a security system operated as part of a public transit system, existing law provides an additional exemption from the one-year retention requirement if a transit agency utilizes a security system that was purchased or installed prior to January 1, 2004, and, in this case, instead authorizes retention for as long as the installed technology allows.

This bill would reduce the retention requirement for recordings of routine video monitoring from one year to 210 days for each entity of local government, *except that the retention period for recordings made by security systems operated as part of a public transit system, or by a security system purchased or installed prior to January 1, 2007, would be 210 days or as long as the installed technology allows, whichever is shorter, as specified.* It would require each entity of local government, when installing new video monitoring security systems, to purchase and install the best available technology with respect to storage capacity that is both economically and technologically feasible at that time.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 26202.6 of the Government Code is
- 2 amended to read:
- 3 26202.6. (a) Notwithstanding any other provision of law, the
- 4 head of a department of a county, after 210 days, may destroy
- 5 recordings of routine video monitoring, and after 100 days may
- 6 destroy recordings of telephone and radio communications
- 7 maintained by the department, subject to all of the following
- 8 conditions:
- 9 (1) This destruction shall be approved by the legislative body,
- 10 and the written consent of the agency attorney shall be obtained.
- 11 (2) If the recordings are evidence in any claim filed or any
- 12 pending litigation, they shall be preserved until the claim or
- 13 pending litigation is resolved.

1 (3) If the recordings are of an event that was or is the subject
2 of an incident report, they shall be preserved until the incident is
3 resolved.

4 (4) If the county utilizes a security system that was purchased
5 or installed prior to January 1, 2007, the recordings of routine
6 video monitoring shall be preserved for as long as the installed
7 technology allows, or 210 days, *whichever is shorter*.

8 (b) For purposes of this section:

9 (1) "Department" includes a public safety communications
10 center operated by the county and the governing board of any
11 special district whose membership is the same as the membership
12 of the board of supervisors.

13 (2) "Recordings of telephone and radio communications" means
14 the routine daily taping and recording of telephone communications
15 to and from a county and all radio communications relating to the
16 operations of a department.

17 (3) "Routine video monitoring" means videotaping by a video
18 or electronic imaging system designed to record the regular and
19 ongoing operations of a department, including, but not limited to,
20 mobile in-car video systems, jail observation and monitoring
21 systems, and public property video or closed circuit security taping
22 systems.

23 (c) This section does not apply to a transit agency operated by
24 a county.

25 SEC. 2. Section 26206.8 of the Government Code is amended
26 to read:

27 26206.8. (a) Notwithstanding any other provision of law, when
28 installing new security systems, a transit agency operated by a
29 county shall only purchase and install equipment capable of storing
30 recorded images for at least 210 days, unless all of the following
31 conditions apply:

32 (1) The transit agency has made a diligent effort to identify a
33 security system that is capable of storing recorded data for 210
34 days.

35 (2) The transit agency determines that the technology to store
36 recorded data in an economically and technologically feasible
37 manner for 210 days is not available.

38 (3) The transit agency purchases and installs the best available
39 technology with respect to storage capacity that is both
40 economically and technologically feasible at that time.

(b) Notwithstanding any other provision of law, videotapes or recordings made by security systems operated as part of a public transit system shall be retained for 210 *days*, unless one of the following conditions applies:

(1) The videotapes or recordings are evidence in any claim filed or any pending litigation, in which case the videotapes or recordings shall be preserved until the claim or the pending litigation is resolved.

(2) The videotapes or recordings recorded an event that was or is the subject of an incident report, in which case the videotapes or recordings shall be preserved until the incident is resolved.

(3) The transit agency utilizes a security system that was purchased or installed prior to January 1, 2004, or that meets the requirements of subdivision (a), in which case the videotapes or recordings shall be preserved for as long as the installed technology allows *or 210 days, whichever is shorter*.

SEC. 3. Section 26206.9 is added to the Government Code, to read:

26206.9. (a) When installing new video monitoring security systems, a county shall purchase and install the best available technology with respect to storage capacity that is both economically and technologically feasible at that time.

(b) This section shall not apply to a transit agency operated by a county.

SEC. 4. Section 34090.6 of the Government Code is amended to read:

34090.6. (a) Notwithstanding any other provision of law, the head of a department of a city or city and county, after 210 days, may destroy recordings of routine video monitoring, and after 100 days may destroy recordings of telephone and radio communications maintained by the department, subject to all of the following conditions:

(1) This destruction shall be approved by the legislative body, and the written consent of the agency attorney shall be obtained.

(2) If the recordings are evidence in any claim filed or any pending litigation, they shall be preserved until the claim or pending litigation is resolved.

(3) If the recordings are of an event that was or is the subject of an incident report, they shall be preserved until the incident is resolved.

1 (4) If the city or city and county utilizes a security system that
2 was purchased or installed prior to January 1, 2007, the recordings
3 shall be preserved for as long as the installed technology allows,
4 or 210 days, *whichever is shorter*.

5 (b) For purposes of this section:

6 (1) "Department" includes a public safety communications
7 center operated by the city or city and county.

8 (2) "Recordings of telephone and radio communications" means
9 the routine daily taping and recording of telephone communications
10 to and from a city or city and county and all radio communications
11 relating to the operations of a department.

12 (3) "Routine video monitoring" means videotaping by a video
13 or electronic imaging system designed to record the regular and
14 ongoing operations of a department, including, but not limited to,
15 mobile in-car video systems, jail observation and monitoring
16 systems, and public property video or closed circuit security taping
17 systems.

18 (c) This section does not apply to a transit agency operated by
19 a county.

20 SEC. 5. Section 34090.8 of the Government Code is amended
21 to read:

22 34090.8. (a) Notwithstanding any other provision of law, when
23 installing new security systems, a transit agency operated by a city
24 or city and county shall only purchase and install equipment
25 capable of storing recorded images for at least 210 days, unless
26 all of the following conditions apply:

27 (1) The transit agency has made a diligent effort to identify a
28 security system that is capable of storing recorded data for 210
29 days.

30 (2) The transit agency determines that the technology to store
31 recorded data in an economically and technologically feasible
32 manner for 210 days is not available.

33 (3) The transit agency purchases and installs the best available
34 technology with respect to storage capacity that is both
35 economically and technologically feasible at that time.

36 (b) Notwithstanding any other provision of law, videotapes or
37 recordings made by security systems operated as part of a public
38 transit system shall be retained for 210 days, unless one of the
39 following conditions applies:

1 (1) The videotapes or recordings are evidence in any claim filed
2 or any pending litigation, in which case the videotapes or
3 recordings shall be preserved until the claim or the pending
4 litigation is resolved.

5 (2) The videotapes or recordings recorded an event that was or
6 is the subject of an incident report, in which case the videotapes
7 or recordings shall be preserved until the incident is resolved.

8 (3) The transit agency utilizes a security system that was
9 purchased or installed prior to January 1, 2004, or that meets the
10 requirements of subdivision (a), in which case the videotapes or
11 recordings shall be preserved for as long as the installed technology
12 allows *or 210 days, whichever is shorter*.

13 SEC. 6. Section 34090.9 is added to the Government Code, to
14 read:

15 34090.9. (a) When installing new video monitoring systems,
16 a city or city and county shall purchase and install the best available
17 technology with respect to storage capacity that is both
18 economically and technologically feasible at that time.

19 (b) This section shall not apply to a transit agency operated by
20 a city or city and county.

21 SEC. 7. Section 53160 of the Government Code is amended
22 to read:

23 53160. (a) The head of a department of a special district, after
24 210 days, may destroy recordings of routine video monitoring,
25 and after 100 days may destroy recordings of telephone and radio
26 communications maintained by the special district, subject to all
27 of the following conditions:

28 (1) This destruction shall be approved by the legislative body,
29 and the written consent of the agency attorney shall be obtained.

30 (2) If the recordings are evidence in any claim filed or any
31 pending litigation, they shall be preserved until the claim or
32 pending litigation is resolved.

33 (3) If the recordings are of an event that was or is the subject
34 of an incident report, they shall be preserved until the incident is
35 resolved.

36 (4) If the special district utilizes a security system that was
37 purchased or installed prior to January 1, 2007, the recordings shall
38 be preserved for as long as the installed technology allows, or 210
39 days, *whichever is shorter*.

40 (b) For purposes of this section:

1 (1) "Department" includes a public safety communications
2 center operated by the special district.

3 (2) "Recordings of telephone and radio communications" means
4 the routine daily taping and recording of telephone communications
5 to and from a special district, and all radio communications relating
6 to the operations of a department.

7 (3) "Routine video monitoring" means videotaping by a video
8 or electronic imaging system designed to record the regular and
9 ongoing operations of a department, including, but not limited to,
10 mobile in-car video systems, jail observation and monitoring
11 systems, and public property video or closed circuit security taping
12 systems.

13 (c) This section does not apply to a transit agency operated by
14 a special district.

15 SEC. 8. Section 53162 of the Government Code is amended
16 to read:

17 53162. (a) Notwithstanding any other provision of law, when
18 installing new security systems, a transit agency operated by a
19 special district shall only purchase and install equipment capable
20 of storing recorded images for at least 210 days, unless all of the
21 following conditions apply:

22 (1) The transit agency has made a diligent effort to identify a
23 security system that is capable of storing recorded data for 210
24 days.

25 (2) The transit agency determines that the technology to store
26 recorded data in an economically and technologically feasible
27 manner for 210 days is not available.

28 (3) The transit agency purchases and installs the best available
29 technology with respect to storage capacity that is both
30 economically and technologically feasible at that time.

31 (b) Notwithstanding any other provision of law, videotapes or
32 recordings made by security systems operated as part of a public
33 transit system shall be retained for 210 days, unless one of the
34 following conditions applies:

35 (1) The videotapes or recordings are evidence in any claim filed
36 or any pending litigation, in which case the videotapes or
37 recordings shall be preserved until the claim or the pending
38 litigation is resolved.

1 (2) The videotapes or recordings recorded an event that was or
2 is the subject of an incident report, in which case the videotapes
3 or recordings shall be preserved until the incident is resolved.

4 (3) The transit agency utilizes a security system that was
5 purchased or installed prior to January 1, 2004, or that meets the
6 requirements of subdivision (a), in which case the videotapes or
7 recordings shall be preserved for as long as the installed technology
8 allows *or 210 days, whichever is shorter*.

9 SEC. 9. Section 53163 is added to the Government Code, to
10 read:

11 53163. (a) When installing new video monitoring security
12 systems, a special district shall purchase and install the best
13 available technology with respect to storage capacity that is both
14 economically and technologically feasible at that time.

15 (b) This section shall not apply to a transit agency operated by
16 a special district.